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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PATRICIA KIRK,

Plaintiff,

v.

MEDIA UNDERGROUND, INC., et al.,

Defendants.

2:09-CV-451 JCM (LRL)

ORDER

Presently before the court is plaintiff Patricia Kirk's motion for entry of clerk's default against defendants Media Underground, Inc. and Living Additions, LLC, (hereinafter collectively referred to as "defendants"). (Doc. #19).

Plaintiff requests entry of default against defendants for failure to retain new counsel in violation of this court's August 5, 2009, order (doc. #14):

Defendants are corporate entities. They are advised that a corporation may appear in federal court only through licensed counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 202 (1993). Default against a corporation, or dismissal of its claims, is a permissible sanction for its failure to comply with the requirement that it be represented by counsel. *United States v. High Country Broadcasting Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993). *See also Employee Painters' Trust v. Ethan Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007); *In re America West Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994); *Salman v. Newell*, 110 Nev. 1333 (1994). Hence, unless the corporate defendants retain new counsel, they will be subject to a potential default judgment.

Also in the order, the court set a deadline for retention of new counsel of "not later than September 16, 2009," demanding a letter explaining any noncompliance. (Doc. #14). To date, defendants have not retained new counsel, nor have they submitted an explanation to this court.

1 In light of defendants' failure to comply with the August 5, 2009, order, the court is inclined
2 to grant plaintiff's motion for entry of default (doc. #19) and requests that the plaintiff prepare an
3 appropriate order.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for entry
6 of clerk's default (doc. #19) be, and the same hereby is, GRANTED. Plaintiff shall prepare and
7 submit an appropriate order.

8 DATED September 15, 2010.

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11 UNITED STATES DISTRICT JUDGE
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